

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

**1217-053932**

In re Application of: Toshiaki Kawanishi et al.

Application No.: 10/564,332

Filed: January 11, 2006

For: Type Identification System for Diesel Oil and Method for Identifying Type of Diesel Oil

The owner\*, Mitsui Mining & Smelting Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** Nos. 7,152,582 and 7,168,300, as the term of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patents** are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, "as the term of said **prior patents** is presently shortened by any terminal disclaimer," in the event that said **prior patents** later:

expires for failure to pay a maintenance fee;

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is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

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is reissued; or

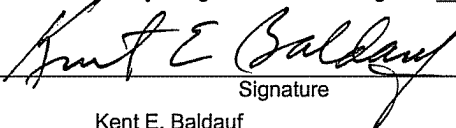
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 25,826

  
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Kent E. Baldauf

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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